

- (B) the polyester of formula (1) as recited in claim 22, but not (A);
- (C) the polyester, which is not of formula (1) as recited in claim 22.

Office Action, pages 2-3.

The Examiner requests the election of a single species of the at least one polyester as recited in claim 1 indicating its specific formula. See *id.* at page 3.

The Examiner further requests the following elections:

- (1) a single concentration of the at least one polyester present in the cosmetic composition;
- (2) a single species of the at least one oil recited in claim 1;
- (3) a single concentration of the at least one oil present in the cosmetic composition; and
- (4) a single type of form that the cosmetic composition is in.

Id. at pages 3-4.

To be fully responsive, Applicants elect, with traverse, the Group (A), i.e., the polyester of formula (1) as recited in claims 22 and 27, for prosecution on the merits, wherein R is $-(CH_2)_{14}CH(CH_3)_2$, x ranges from 1 to 50, and D is $-(CH_2)_2-$. Specifically, castor oil ester of succinic acid and isostearic acid (sold as Zenigloss by Zenitech) is elected as the single species of the polyester of formula (1) as recited in claims 22 and 27 for prosecution on the merits.

Further, Applicants elect, with traverse, the following species for prosecution on the merits:

- (1) 20% by weight of the at least one polyester present in the cosmetic composition;
- (2) hydrogenated polyisobutene as the single species of the at least one oil;

(3) 10% by weight of the at least one oil present in the cosmetic composition;
and

(4) lipstick as the single type of form that the cosmetic composition is in.

Applicants respectfully submit that, after the election, claims 1-28, 36-43, and 45-56 are readable on the elected species.

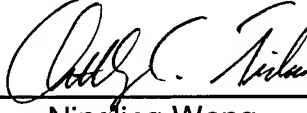
If the Examiner chooses to maintain the election requirements, Applicants expect the Examiner, if the elected species are found allowable, to continue to examine the full scope of the claimed subject matter to the extent necessary to determine the patentability thereof, i.e., extending the search to a reasonable number of the non-elected species, as is the duty according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By:  *Ningling Wang* ^{for} *Reg. No. 45,958*
Ningling Wang
Reg. No. 52,412